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AGREEMENT BETWEEN GERMANY AND FRANCE RELATIVE TO MOROCCO.¹*February 9, 1909.*

DECLARATION.

The Government of the French Republic and the Government of the German Empire, animated by the same desire: to facilitate the carrying out of the Algeiras Act, have agreed to accentuate the importance which they attach to its articles, with the view of removing every possibility of misunderstanding between them in the future.

Therefore, the Government of the French Republic, entirely committed to maintain the integrity and the independence of the Shereefian Empire, determined to safeguard economic equality, and in consequence determined not to place any obstacle in the way of German commercial and industrial interests;

And the Imperial German Government, seeking economic interests only in Morocco, recognizing, moreover, that the particular political interests of France are closely connected with the question of order and internal peace in Morocco, and resolved not to interfere with these interests,

Declare they will neither pursue nor encourage any measure of a nature that might create in their favor or in favor of any other Power an economic advantage, and that they will endeavor to associate their respective citizens in affairs the exploitation of which may be granted to them.

EXCHANGE OF NOTES BETWEEN FRANCE AND MOROCCO.²*August 14-December 25, 1909.**August 14, 1909.*

In order to terminate the difficulties pending between the Government of the Republic and the Government of His Shereefian Majesty, it appeared that all the questions actually discussed with the Moroccan embassy at Paris were to be resolved simultaneously and the object of a single settlement.

The note hereafter transcribed states the views of the French Govern-

¹ *Archiv Diplomatiques*, 1910, p. 1.

² *N. R. G.*, *id.*, p. 685.

ment regarding the evacuation of Chaouya and Casablanca, regarding the frontier region question and the frontier police, the liquidation of the Makhzenian debt and the payment of military expenses incurred by France in Morocco.

The provisional agreement relative to the evacuation of Chaouya is ratified under the condition of the following dispositions:

ART. 2. Instructions intended to enforce Article 2 and mutually agreed upon between the Makhzen and the French legation shall be given in writing to the native authorities of Chaouya.

ART. 9. The dispositions of Article 9 shall be replaced by those of the special agreement determined in Article 8.

ART. 10. As to the agreement to be reached regarding the evacuation of Casablanca, it has been resolved:

1st. Security in Chaouya will first of all have to be effectively assured. To this end, Moroccan troops actually charged with maintaining order in this province, will, for the time being, remain organized as they now are. They shall be paid and maintained on a special account inscribed in the Shereefian state budget and receive their pay through the Moroccan State Bank. In case of insufficiency of normal budgetary resources, the additional amount required shall be levied on the product of the provincial taxes. The amounts necessary to cover expenditures shall be drawn as specified in the regulation relative to harbor police. The present rate of pay may be revised after due agreement.

These troops may not be withdrawn from Chaouya except at such time as the Makhzen shall be able to replace them with Moroccan forces, organized and trained under the direction of the French military mission and under conditions similar to those governing harbor police, and capable of maintaining within the province the security of persons and of property and of commercial transactions as well. When these conditions are fulfilled, the French troops shall then withdraw, according to the dispositions of Article 1 of the provisional agreement, from the posts they are occupying in the interior of Chaouya; they shall then be stationed on the outskirts of Casablanca.

2nd. The Government of the Republic has never ceased to consider the city of Casablanca as Moroccan territory and does not intend to occupy the same permanently. It shall withdraw its troops when it is considered that the organization determined upon for Chaouya shall be able to maintain there efficient order and when all necessary guarantees shall have been furnished it by the Makhzen:

a) Regarding the refunding of the military expenses mentioned in Article 8 of the provisional agreement and the payment of indemnities to the victims of the Casablanca troubles;

b) As regards the Sheik Ma-el-Aïnin and the enemies of France in the Sahara. The Shereefian Government must prevent these agitators from receiving encouragement and assistance in money, weapons, and ammunition; to this end it shall address letters, of which the French legation shall receive copy, to the authorities of the Sous and of the Oued Noun, ordering them to repress the smuggling of weapons into these regions;

c) The Shereefian Government shall address to the local authorities formal instructions with a view of enforcing completely Article 60 of the Algéçiras Act (right of foreigners to own real estate).

II.

The two governments believe that the régime to be realized in the frontier region rests first of all upon the previous arrangements concluded between them regarding this matter, and of which the provisional agreement proposed at Fez, March 24, ult., has had for its object to define clearly the details of enforcement.

Therefore, they approve the clauses of this agreement, completed by the following observations and dispositions:

The Makhzen shall designate without delay a Shereefian High Commissioner and confer upon him the powers necessary to exercise his attributions, particularly, the right to propose, after preliminary agreement with the French High Commissioner, the appointment and the removal of the caïds and other Moroccan officials.

The Makhzenian force referred to in Article 2 of the provisional agreement shall be organized in the following manner:

The troops shall be composed of Moroccan Mussulman soldiers, recruited by enlistment, trained and commanded by a sufficient number of French and Algerian officers and sub-officers. It shall be self-governing and placed under the authority of a French commandant approved by the Makhzen; and this commandant shall be under the immediate authority of the French and Shereefian High Commissioners. Its effective number may be increased gradually to 2,000 men, as indicated in Article 1 of the treaty of 1844. It shall be paid from the product of the imposts of the frontier regional tribes and from the taxes and dues mentioned in the agreements.

The indemnity stipulated in Article 1 of the provisional agreement regarding the occupation of the post Ras-el-Aïn of the Beni-Mather is fixed at 50,000 francs; it shall be deducted from the indemnity due the French Government on account of its military expenses.

The number of French troops stationed in the frontier region shall be reduced in proportion to the effective increase of the Makhzenian police. When this Makhzenian troop shall have reached the effective number of 2,000 men and been adjudged capable of fulfilling the mission indicated in Article 2 and in Article 3 of the provisional agreement, the French troops shall then be returned beyond the frontier.

With regard to Bou Denib and Bou Anane, the French Government is willing to vacate these posts without waiting for the time when the Makhzen shall have located an organized force therein, but with the condition that the freedom of commercial relations and the security of the caravans be sufficiently assured. To this end, agents designated by the two governments shall shortly, within the territory affected, seek for the means to obtain the object in view by building caravansaries where posts of native guards shall be installed, and by establishing regular official relations with the authorities of contiguous regions.

As soon as this system shall operate satisfactorily, the number of French troops shall then be gradually reduced and returned to Algeria.

Lastly, special precautionary measures shall be taken by the Makhzen that property rights of Algerians residing in Moroccan territory may be enjoyed without hindrance, in conformity with Article 6 of the agreement of July 20, 1901.

III.

The Makhzen is obligated to refund to diverse cred-

itors.	80,000,000 francs
Every delay complicates his financial situation.	
The military expenses to be refunded to France	
amount to	70,000,000
Total.	150,000,000

Appraisal of the indebtedness was established upon the facts furnished at the opening of negotiations begun late in June, 1909, by the treasury department and the Moroccan embassy. Each new debt of whatever nature would eventually have to be liquidated by means other than contemplated by the present operation.

Thanks to the moral support which the French Government will give to him, the Makhzen may hope to realize a public loan of 80,000,000 francs by the payment of an annuity of about 4,660,000 during 75 years, hence.....	4,660,000 francs
If, since the French Government might present this claim, the Makhzen were obliged to add to this loan the 70,000,000 francs due to France, the supplementary annuity under this head would, during 75 years, amount to an approximate 4,077,000 francs. But, to prove its kindly disposition toward Morocco, the Government of the Republic will not demand that its claim be included in the contemplated loan, and in order to minimize the charges which in this respect would devolve upon the Moroccan budget, instead of demanding an immediate refunding, it is ready to accept the payment of an annuity calculated not on the basis of the actual Moroccan credit, but on that of France. The annuity determined in this manner, with amortization in 75 years, would amount approximately to 2,740,000 francs. This contrivance yields in favor of the Makhzen an annual saving of 1,337,000 francs, and for 75 years, a total of 100,275,000 francs. France would, however, reserve to herself the privilege of either using this annuity in behalf of the loan guaranteed by her, or to negotiate the annuity, hence.	2,740,000
Total.	7,400,000
By postponing amortization for five years, the total would be reduced during this period by about 420,000 francs, and in this way brought to....	6,980,000 francs
On the other hand, it seems desirable to reserve to the Makhzen for the total of his expenses, over and above his internal revenues, the sum of....	3,000,000 francs
This would bring the annual charges to a total of	9,980,000 francs

The resources upon which the operation may be based are: the surplus of the customs revenues after deduction: 1° of administrative expenses; 2° obligations of the loan of 1904, hence.....		6,000,000 francs
an eventual saving realized from the obligations of the loan of 1904 with the consent of the bondholders, by extending the period of amortization, hence		650,000
tobacco monopoly to be established.....		1,200,000
the <i>moustafadat</i> and <i>zekiat</i> in the cities along the sea-shore		500,000
one half the land-tax levied on improved properties in the cities along the sea-coast.....		memorandum
revenues from Shereefian domains.....		memorandum
Total		8,350,000

The charges being 9,980,000 francs and the resources estimated at 8,350,000, there results an annual deficiency of 1,630,000 francs, which with the beginning of the sixth year will be increased by 420,000 francs on account of amortization.

Nevertheless, the French Government is willing to tender its good offices to the Makhzen in order to secure from the State Bank the necessary funds to make up the 3 million per annum of which he has need, and this arrangement to continue until the development of the revenues above estimated, the effective revenue of the tax on improved property and the revenue from the Shereefian domains will permit of meeting the deficiency.

It must be clearly understood that the commission to the loan of 1904, which actually directs the control of the customs, will also be charged with the assessing and collecting of all statutory dues and any new taxes as well. The administration of the Shereefian domains will also have to be entrusted to a service of the domain under the authority of the commission.

With regard to the administration of these revenues, the actual attributions and powers of the French delegate and of the Moroccan delegate must be confirmed and extended by seeking the means wherewith to remove all obstacles and to facilitate in the largest measure the performance of their mission.

While thus respecting the wishes of the Makhzen regarding his sovereign authority, it will be necessary to reserve exclusively to the French delegate all administrative powers necessary for him to insure the regularity of the administration of these revenues and to enable him to fully secure the bondholders and the French Government.

It is urgent that these propositions be accepted, for the financial situation of the Makhzen grows worse every passing day, and, a few months hence, indispensable co-operation might no longer be at his disposal.

Note transmitted to the Department by the Ambassadors of His Shereefian Majesty.

Note containing the answers made by His Shereefian Majesty to the three questions propounded hereinafter.

Concerning Casablanca. The Government of the Republic having declared that the evacuation of Casablanca and of Chaouya could not take place simultaneously, although this government has acknowledged that the questions (treaties) are the object of a single agreement, and that the agreement reached at Fez refers to the evacuation (of Casablanca and of Chaouya), the Makhzen subscribes (to the declaration of the French Government). His Shereefian Majesty in effect desires to maintain with the Government of the Republic friendly relations on conditions apt to bring about the understanding, and to facilitate the relations (between the two governments). His Shereefian Majesty has, likewise, great confidence in the good intentions of the French Government, and in the declarations it has professed to grant (to the Makhzen) every facility, and to lend him its support in these and in other questions. And because the evacuation of Casablanca has been postponed, the Makhzen is firmly convinced that the Government of the Republic will keep its promises, and that, without doubt it will considerably reduce the number of effective troops at Casablanca, according to an agreement which will be reached to that effect in order to prevent any agitation in the minds of the people when they shall realize that the evacuation (of Chaouya and Casablanca) has been disunited. The French Government, on the other hand, gives its formal assurance, that when the Makhzenian force shall have been organized in Chaouya, and it shall have been established that order can be maintained thanks to this force, the evacuation of Casablanca will then proceed without the necessity of any new negotiations.

Nevertheless this period would be limited to a certain date, for the Makhzen is capable of maintaining order in Chaouya as soon as the Shereefian force will be installed: And this rests with him (*sic*).

The frontier question. The Government of the Republic wishes to associate the two High Commissioners (in their attributions): this association bears reciprocal help and assistance; although such action, as is well understood, constitutes meddling with the affairs of an empire whose independence is recognized, and may, besides provoke some agitation among the people as soon as they shall have knowledge of the fact, whilst on the other hand, the efforts of the Government of the Republic are bent only upon the realization of the internal welfare of this empire and upon all matters that contribute to the present and future prosperity of the two countries; despite all these considerations we subscribe (to the demand of the French Government), with the observation that the French Government will agree that this association shall be provisional, and limited to a certain date upon which it will be necessary to reach an agreement with our Shereefian embassy.

Question of the loan. The Government of the Republic having promised to extend its good offices in this matter, and the Makhzen having consented to postpone the evacuation of Casablanca by reason of the considerations referred to above, although this latter question is part of the financial question in connection with the military expenses, a consideration which could not but induce the French Government to still further extend all desired facilities, the Makhzen subscribes to this loan resting his act of doing so upon the promise made by the French Government to extend its good offices, and also upon the considerations expressed by it in conformity with its friendly declaration. With regard to the debts of private persons and all military expenses, the present Makhzen, though he be under no obligation to assume any responsibility and has not discussed these expenses, yet he subscribes (to these demands). He consents (to give) as pledge thirty per cent of the customs revenues together with the tobacco-monopoly revenue and one-half of the urban taxes in the harbors.

Regarding the harbor *moustafadat*, the tobacco-monopoly constitutes their most important revenue; as to the remainder, consisting in the gate dues, an infinitesimal revenue, it is best not to include this in the pledge.

Regarding the Shereefian domains, they are nil at the present time, for, they are largely in the hands of foreigners and others; and the regulation according to which they are to be administered, and referred to in the

Algeciras Act, has not yet been formulated. On the other hand, the Makhzen has declared renunciation to the three annual million francs stipulated (in his favor); moreover, the French minister had promised that the French Government would not demand any guarantee for the military expenses; under these conditions, the Makhzen has the firm hope that the French Government, by reason of the friendly and neighborly relations, will consent to limit the pledges to be offered to the revenues indicated above in acknowledgment of the facilities granted by the Makhzen on his part. It can not be doubted that, under the circumstances, the kindly sentiments of the French Government will become evident, and also in regard to the maintenance of the customs administration in its present state without extending in the slightest manner its present foreign control, so that the former control may be continued in its future operation.

Question of protection (connected with the financial question). Since by virtue of the constitution of the guarantee indicated above the financial resources of the Makhzen will be extremely reduced, and because on the other hand, the friendly and neighborly government is not uninformed with regard to the extent of the abuses committed toward the Makhzen in the matter of persons to be protected, abuses that derive from the fact that the treaties established in this respect are no longer observed; and since continuation of such a state of things acts to the prejudice of the Makhzen, it being especially recognized that the internal public interest of the empire can not help demanding the institution of general taxes; under these conditions the Makhzen desires that the question of protection be restored to the proportion established by the treaties. The collection of taxes (to be established) shall be effected in the same manner as for all other existing taxes, on a basis of equality and without any prejudice whatever. It is not to be doubted that the advantages deriving from Morocco accrue equally to the benefit of the natives and foreigners; therefore, no favor shall be shown neither to natives nor to foreigners in paying the taxes in question. This demand constitutes one of the facilities of detail promised and bearing upon the main question.

May the thought of the French Government ever continue to manifest itself in behalf of all that will contribute to the success, to the prosperity, and to the hopes of the two parties.

2nd Hejja 1327 (December 15, 1909).

ANNEX.

*Note transmitted to the Moroccan Embassy.**December 21, 1909.*

The Government of the Republic has acquainted itself with the answer of the Moroccan Government communicated through the Shereefian Embassy, the 15th of the present month.

Regarding Chaouya and Casablanca, it is agreeable to know that the Makhzen has approved the propositions formulated in the note of the French Government, dated ult. Aug. 14; these propositions corresponded by anticipation to the various observations which have just been presented through the embassy.

Regarding the frontier question, the Government of the Republic considers likewise that the agreement has been reached with the Makhzen upon the terms of the French communication of August 14. It acknowledges that the powers of the frontier commission, charged with the direction to enforce the régime stipulated in prior agreements, may become the object of a new examination, but only after this régime shall have been fully realized in a manner that will meet the common interests of the two governments.

Regarding the loan, the decisions reached by the Government of the Republic in respect to the liquidation of the debts of the Makhzen may be summed up as follows:

1st. Integral appropriation to this liquidation of all the guarantees indicated in the note of August 14.

2d. Conveyance to the present Service of Customs Control of necessary administrative powers to enable it to obtain the best possible results from all the revenues pledged, and in this way to assure the regular administration of the resources which shall guarantee the debt of the Makhzen; a regulation, preliminary to the discussion of the loan contract shall be established between the Shereefian Embassy and the Service of Customs Control to determine these powers, with special reference to the control of assessing and of collecting dues, and the administration of the Shereefian domains.

3d. Appropriation of the product of the revenues pledged after deduction of the 1904 loan obligations, to the placing of a new loan, 1910, of approximately 80 million francs and to the refunding of the French military expenses. After meeting the obligations of the two loans, one-half of the remaining available amount shall be deposited as a reserve

in the Moroccan State Bank, at the service of the French Government to guarantee the regular payment of the annuities due to France, while the other half will be at the disposal of the Makhzen.

4th. Frontier regional expenses shall be provided for by local resources which will be placed to a special account; an annual budget shall be established. In case tax collections should not suffice to pay the police, the deficiency would be levied on the general available resources of the Makhzen.

The Shereefian embassy having informed the Government of the Republic of the interest which the Moroccan Government takes in the strict enforcement of the conventions relative to the régime of persons to be protected, the French Government declares that it is ready to lend its assistance to the Makhzen to assure the regular enforcement of the treaties as soon as its claims presented regarding damages caused to its citizens shall have been satisfied. It expects that formal instructions and sufficient power will be given to the representative of the Sultan at Tangiers to settle all these questions according to the demands of the French legation.

[Translation.]

*His Shereefian Majesty's Ambassadors at Paris to M. Stephen Pichon,
Minister of Foreign Affairs.*

The Shereefian Makhzen having given his adherence to the principles enunciated in the French note of ult. August 14, we declare to your excellency that we accept these principles; also, we are ready, in conjunction with the French Government to examine at once the *minutiæ* of execution, in order to reach a definitive settlement, which we shall sign *ad referendum* when the supplementary agreement shall have been reached.

As to the financial question in regard to which we have received from the French Government a complementary note dated curr. December 25, to the principles of which we likewise give our approval, we declare that the Makhzen renounces the offer of an annual allowance of three million francs, which had been stipulated in his behalf by the project of the Minister of Finance.

Regarding the ten per cent question, a matter which is not settled, we are hoping that it may be ruled as follows: although quite evident that the guarantee comprises the totality of customs revenues, the Makhzen hopes that in accordance with the loan of 1904, the French Government

may be willing to reserve the ten per cent to meet the expenses of the customs administration; for, the Makhzen knows that the proposed guarantees are sufficient; and it is understood that if these guarantees were not sufficient to pay the annuities indicated below, the ten per cent should not be included in the guarantee.

Regarding the new taxes which the Makhzen might establish in the harbors, their product would be deposited in the Shereefian treasury and would be included neither in the guarantees, nor in the control.

Regarding the payment of the annuities, when the obligations of the 1904 loan shall have been assured, the obligations of the contemplated 1910 loan must likewise be assured; next the amount of the annuity resulting from the military expenses necessitated by the occupation of Chaouya, Casablanca, and Oudjda shall be paid; on the surplus shall be levied the amount of the expenses referring to the pay of the force that the Makhzen will organize in Chaouya, as long as these expenses are incurred. The remainder shall be at the exclusive disposal of the Shereefian Government.

We express the wish that the *minutiae* which have been the object of an understanding with M. Georges Louis, Political Director, and M. Regnault, and which refer to the questions handled by the embassy, will receive consideration in all future conversations, in conformity with the promise made to us yesterday.

May you continue in prosperity and in happiness, and may the French Government continue to favor all that will contribute to the welfare and to the realization of the desires of the two countries!

The first Hejja 1327, corresponding to December 25, 1909.

EL HADJ MOHAMMED EL MOKRI.
ABDALLAH EL FASI.

ARRANGEMENT BETWEEN FRANCE AND MOROCCO WITH A VIEW OF ENDING
THE DIFFICULTIES PENDING BETWEEN THE TWO COUNTRIES.¹

Signed at Paris, March 4, 1910.

Agreement entered into between his Excellency M. Pichon, Minister of Foreign Affairs, and the Ambassadors of His Shereefian Majesty their excellencies El Hadj Mohammed ben Abdesselam el Mokri, Minister of

¹ Diplomatic documents, 1910. Moroccan Affairs V. Paris, 1910; Nouveau Recueil Général de Traités, 3d S., IV, 3, p. 680.